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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,144	08/03/2001	Dirk Hente	DE000108	7446

7590 09/18/2002

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EXAMINER

LE, DANG D

ART UNIT	PAPER NUMBER
2834	

DATE MAILED: 09/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/922,144	HENTE, DIRK
	Examiner Dang D Le	Art Unit 2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> .	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3 and 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is insufficient antecedent basis for the following limitations in the claims.

Claim 3 recites the limitation "the inner side" in line 3. Claim 6 recites the limitations "the outer side" in line 2 and "the first pivot" in line 4. Claim 7 recites the limitations "the bounding surfaces" in lines 2 and 4, "the plane of oscillation" in line 3, "the side" in line

3. Claim 9 recites the limitation "the area" in line 3.

In addition, it is not clear if the "first swing arm" in claim 6 is the "swing arm" in claim 1.

Claim 7 is indefinite because it is not clear what the swing arm is attached to.

Claim 9 is also indefinite because it is not clear what its refer to.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in–
  - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the

treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or  
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 1-3, 6 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Hartman.

Regarding claim 1, Hartman shows an electrical apparatus (Figures 2 and 10A) having an actuator including at least two permanent magnets (66, 68) and at least one electrical coil (22) which is movably supported by means of a swing arm (18), which coil is arranged to be traversed by magnetic fields of the permanent magnets, the actuator having a cage (25), which encloses the coil and the permanent magnets, as a closed magnetic return path (Figure 10A).

Regarding claim 2, it is noted that Hartman also shows the cage (25) made of soft-iron or steel and shaped so as to shield the magnetic stray fields of the magnets (Figure 3).

Regarding claim 3, it is noted that Hartman also shows the swing arm (18), which is secured to the coil (22) supported on a pivot (40), and the pivot (40) arranged at the inner side of the sector-shaped permanent magnets (Figures 2 and 3).

Regarding claim 6, it is noted that Hartman also shows at least a second pivot (Figure 2) being arranged at the outer side of the sector-shaped permanent magnets, and at least one pivotal joint (between 38 and 42) being present, which pivotal joint couples a first swing arm (3) supported on the first pivot (40) and a second swing arm

(42) supported on the second pivot in a pivot able manner and so as to be slidable with respect to one another, the pivots being secured to a housing.

Regarding claim 9, it is noted that Hartman also shows at its side that is remote from the pivot the cage having a shielding wall having an opening in the area of the magnets (Figure 3).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 5, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman in view of Anna et al.

Regarding claim 4, Hartman shows all of the limitations of the claimed invention except for the swing arm which is supported on a pivot, being preloaded with respect to a housing by means of a torsion spring.

Anna et al. shows the swing arm (3) which is supported on a pivot (4), being preloaded with respect to a housing (13) by means of a torsion spring (12) for the purpose of making a shaver.

Since Hartman and Anna et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to preload the swing arm which is supported on a pivot with respect to a housing by means of a torsion spring as taught by Anna et al. for the purpose discussed above.

Regarding claim 5, it is noted that Anna et al. also show the swing arm is preloaded with respect to a housing by means of at least one blade spring (12).

Regarding claim 7, it is noted that Hartman and Anna et al. also show the pivot being replaced with a point of attachment to a housing, where the swing arm (9) is attached by means of a blade spring (11).

Regarding claim 10, it is noted that Anna et al. also show the electrical apparatus being an electrically driven shaving apparatus.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman in view of Oveyssi.

Regarding claim 8, Hartman shows all of the limitations of the claimed invention except for the bounding surfaces of the cage, which originally extend parallel to the plane of oscillation of the coil, tapering towards the side that is remote from the pivot, and the bounding surfaces of the coil and the magnets being adapted accordingly.

Oveyssi shows the bounding surfaces of the cage, which originally extend parallel to the plane of oscillation of the coil, tapering towards the side that is remote from the pivot, and the bounding surfaces of the coil and the magnets being adapted accordingly (Figures 6A-6C) for the purpose of directing the flux.

Since Hartman and Oveyssi are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to taper the bounding surfaces of the cage, which originally extend parallel to the plane of oscillation of the coil, towards the side that is remote from the pivot, with the bounding surfaces of the coil and the magnets being adapted accordingly as taught by Oveyssi for the purpose discussed above.

***Information on How to Contact USPTO***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

DDL  
September 16, 2002

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*Dang D Le*